

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-6, 8, 9, and 15 are rejected under 35 U.S.C. 103 over the German patent to Merkel 19627115 in view of the U.S. patent to Rosen.

Claims 1-6, 8-11, and 15 are rejected under 35 U.S.C. 103 over the German patent to Merkel 19627115 in view of the Oishei.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) over the German patent to Merkel in view of the patents to Oishei and Samartgis.

At the same time, the Examiner indicated that claims 7 and 14 were not rejected over the art.

The Examiner's indication of the allowability of claims 7 and 14 have been gratefully acknowledged. In connection with this indication, claims 7 and 14 have been canceled and new claims 19 and 20 have been submitted, which contain the features of original claim 1 plus the features of claims 7 and 14, correspondingly. It is believed that claims 18 and 19 should now be in allowable condition.

After carefully considering the Examiner's grounds over the rejection of the claims over the art, applicants canceled claims 1 and 15 and submitted two independent claims 16 and 17 which substantially correspond to these canceled claims but have been clarified to more clearly define the invention.

In particular, these claims specifically define that the compression in a middle region under the connection device for the wiper arm is produced. The support for this feature can be clearly found in the drawings, in which it is clearly shown that the connection device is arranged in such a middle region.

When the wiper blade in the wiping device is designed in accordance with these features of the present invention, the wiping strip starting from the middle of the wiper blade can move toward both sides relative to the carrying rails, which is always necessary when the window pane curvature changes in a course of a wiping movement.

Turning now to the references and in particular to the U.S. patents to Rosen and Oishei, it can be seen that in these references the compression is produced in the region of an end of the wiper blade by a clamp which is arranged there in the end region. The carrying rails for this purpose are configured specifically with ramps, that is unnecessary in the

construction of the wiper blade and the wiping system in accordance with the present invention.

If the teaching of these two references are considered jointly with the teaching of the German patent to Merkel, the wiper blade and the wiping device of the present invention can not be derived from such a combination, since a person of ordinary skill in the art who familiarize himself with the teachings of the references and combined them, would use the clamps 50 to provide a compression as disclosed in the U.S. patents.

This however would have nothing to do with the applicant's invention as defined in claims 16 and 17. The features of these claims are not disclosed in the references and can not be derived from them as a matter of obviousness.

In order to arrive at the applicant's invention the construction disclosed in the references, these constructions would have to be fundamentally modified. In particular, they would have to be completely changed, and the new features of the present invention would have to be incorporated in the devices disclosed in the references. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any hint or suggestion for such modifications.

In view of the above presented remarks and amendments, it is believed that claims 16 and 17 should be considered as patentably distinguishing over the art and should be allowed.


As for the dependent claims, these claims depend on claim 16, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance,

then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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